IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9294 OF 2004

Barshi Municipal Council ... Petitioner.

V/s.

Shri Gorakh Dattu Waikar ... Respondent.

Shri Nitin Jamdar for the petitioner.

K.S.Bapat for the respondent.

CORAM : V.C.DAGA, J.

DATED : 22nd March 2006.

P.C. :

. Rule returnable forthwith. By consent of parties petition is heard finally.

2. The writ petitions involving identical orders are allowed by consent of parties without examining merits or demerits of the impugned order and without recording reasons in support thereof on merits. The impugned order in this petition is identical with those orders as such the same is also liable to be quashed and set aside and the matter is liable to be remitted back to the Industrial Court for re-adjudication on merits with reasoned order.

3. The Industrial Court is directed to dispose of the revision application by a detailed reasoned

order dealing with all contentions raised by the petitioners.

4. The Industrial Court is expected to bear in mind that the orders of the Industrial Court are subject to writ jurisdiction of this Court. Reasoned order helps this Court to read the mind of the adjudicating authority. In absence of reasons, order becomes arbitrary and can be said to be in breach of principles of natural justice. Therefore, it is always necessary for the Industrial Court to record reasons in support of its order.

5. Since the order does not contain reasons, the impugned order is set aside. Matter is remitted back to the Industrial Court for decision afresh as expeditiously as possible, at any rate, within three months from the date of receipt of copy of this order. All rival contentions are kept open.

6. The petition, accordingly, stands disposed of in terms of this order. Rule is made absolute with no order as to costs.

(V.C.DAGA,J.)